

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RICHARD A. BERCOVITZ, :  
Plaintiff, : Case No. 3:08cv000416  
: District Judge Walter Herbert Rice  
vs. : Magistrate Judge Sharon L. Ovington  
MICHAEL J. ASTRUE, :  
Commissioner of the Social :  
Security Administration, :  
Defendant. :  
:

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON  
DECEMBER 8, 2009 (Doc. #12); AFFIRMING THE COMMISSIONER'S FINAL NON-  
DISABILITY DETERMINATION; AND TERMINATING THE CASE ON THE DOCKET OF  
THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on December 8, 2009 (Doc. #12) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **AFFIRMED**;
3. The case is terminated on the docket of this Court.



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Walter Herbert Rice  
United States District Judge